

# COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

**RESOLUTION NO. R-17-09**

<b>Introduced By</b>	<b>City Council</b>
<b>Date Introduced</b>	<b>December 12, 2016</b>
<b>Amendments Adopted</b>	
<b>Date Adopted</b>	<b>December 12, 2016</b>
<b>Date Effective</b>	<b>December 12, 2016</b>

## A RESOLUTION to

**AMEND THE CELL PHONE POLICY IN THE CITY'S ACCOUNTING MANUAL  
TO INCLUDE TABLETS AMONG THE CITY-ISSUED DEVICES AND ADD  
PROVISIONS REGARDING EXCESSIVE USAGE**

**FOR** the purpose of including tablets among the devices issued to City officials and employees and adopting provisions regarding excessive usage of such devices, such as data overage charges.

**WHEREAS**, on June 16, 2014, the Council of the City of Seat Pleasant (the “City Council”) adopted an Accounting Manual for the City of Seat Pleasant (the “City”) pursuant to Resolution R-14-15 (the “Accounting Manual”); and

**WHEREAS**, the Accounting Manual contains a Cell Phone Policy; however, the Cell Phone Policy does not address tablets, such as iPads, issued to City officials or employees, nor does it address excessive usage of City-issued devices, such as data overage charges; and

**WHEREAS**, the City Council is desirous of amending the Accounting Manual to include tablets among the devices issued to City officials and employees and add provisions regarding excessive usage of such devices, which amendments the City Council deems necessary and appropriate to ensure that City officials and employees comply with the Cell Phone Policy.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT** that the Accounting Manual for the City of Seat Pleasant as adopted pursuant to Resolution R-14-15 be and it is hereby amended as follows:

1. The Cell Phone Policy as set forth in the Accounting Manual is hereby amended as follows:

**Purpose:**

*Resolution R-17-09, Amend the Cell Phone Policy in the City's Accounting Manual to Include Tablets Among the City-Issued Devices and Add Provisions Regarding Excessive Usage*  
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The purpose of the cell phone policy is to define the acceptable practice for the approval, procurement, distribution and use of City issued cellular phones. As used in this policy, the terms "cell phone" and "cellular phone" include tablets, such as iPads.

**Scope:**

This policy applies to all employees and elected officials issued cellular phones.

**Prohibited While Driving:**

While driving handheld cell phones cannot be used to talk, check voice mails, send or read texts. However, while functioning as driver; these devices may only be used if the vehicle is safely parked off the road.

**Criteria for Issuance of Cell phones:**

To be issued a cell phone one or more of the following conditions must be met:

- duties require that constant or intermittent contact be maintained
- duties require frequently or extended time away from workstation or office
- duties require routinely serving or coordinating activities in the field
- duties require on call status after normal working hours
- duties require immediate contact with police or fire personnel
- need where personal or public safety is threatened

**Training**

The City Administrator shall ensure that all City officials and staff are adequately trained on the operation of the cellular device or tablet issued by the City.

**Approval of Request for Cell Phones:**

The City Administrator shall approve the department head's recommendation for an employee to receive a cell phone. ~~Similarly, the Council President will approve all elected official's request for cell phones.~~

**Cell Phone Transmissions:**

~~Description~~ Discretion should be used when communicating "confidential informaion" while using cell phones, as ~~due to~~ wireless transmissions are not secure and may be monitored by a third party.

**Plans and Features:**

Cell phone plans and features will be recommended by the department head and approved by the City Administrator. They shall be selected based upon the lowest cost plan that meets the individual and overall departmental needs. Calling plans and features shall be evaluated annually or as needed to ensure the City receives the most economical and practical phone services. **Any plan, feature or device determined to be obsolete, excessively expensive or underused shall be returned or its use discounted in accordance to the agreed upon contract terms.** The City Administrator shall ensure that any selected plan for the City will allow the suspension of individual usage due to data overage, third party billing or any other prohibition.

**International Roaming and Calling:**

International roaming charges and calls shall not be incurred unless the employee or elected official is on approved travel outside of the country. A maximum of three personal calls per day, not longer than fifteen (15) minutes each are allowed to contact family and other associates while on approved out-of-the country travel.

**Maintenance of Phone Records:**

The City Treasurer shall maintain a file showing the following information that shall be provided to all department heads and the mayor.

- |  |   |
|--|---|
| 1) Name of cell phone service provider | 5) Plan type                              |
| 2) Name employee issued phone plans    | 6) Start & end dates for individual plans |
| 3) Department                          | 7) Type of phone issued                   |
| 4) Cell phone number                   | 8) Monthly recurring charges              |

The City Treasurer will maintain all cellular phone records in accordance with the City's record retention policy.

**Public Inspection of Phone Records:**

Cellular phone records are subject to public inspection. Information such as numbers called, length of call, time and date of call and other information could be obtained through the Maryland Public Information Act.

**Insurance:**

The City is responsible for insuring cellular phones against any theft, loss or damage.

**Safekeeping and Damages:**

All cell phones must be protected against loss, theft or damage. Losses and damages should be reported to the City Administrator by the next business day. The City Administrator shall contact the phone company to report lost phone, cancel it and request a replacement.

**Prohibited Uses:**

Prohibited uses of City cell phones include the following:

- seeking employment
- campaigning and re-election activities
- illegal transactions, verbal harassment, threats/intimidations or other prohibited behaviors listed in the employee manual
- The device should be operated by the elected official or staff person that it was assigned to only.

**Return of Phone and Phone Devices:**

Upon separation from the City, employees and elected officials must return all phones and accessories. Individuals who do not adhere to this requirement are subject to the withholding of their last pay check until all phones and phone devices are returned. During the election term any elected officials not re-elected should return all equipment on September 15.

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**Excessive Usage and Data Overages:**

The City Treasurer or his/her designee shall provide the City Administrator with the monthly bills pertaining to all cell phones issued to City officials and employees detailing the usage thereof by each such individual.

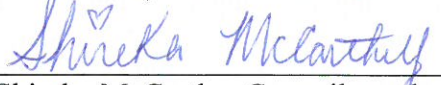
The City Administrator, in his/her sole discretion, shall determine if the usage of any cell phone issued to any City official or employee was excessive in relation to the City's chosen plan for such device. If the City Administrator determines that such usage was, in fact, excessive, then the City official or employee to whom the device was issued shall be responsible for all expenses associated with the excessive usage, including any data overage charges or third party billing. The City Administrator shall prepare or cause to be prepared an itemized invoice of all such excessive usage charges, and the City official or employee responsible for such charges shall reimburse the City for such charges within 30 days of the date of the invoice. Any such charges not reimbursed to the City within 30 days of the date of the invoice shall be deducted from the City official's or employee's next stipend or paycheck, as appropriate.

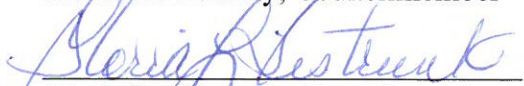
**AND BE IT FURTHER RESOLVED** that additions to the City's Accounting Manual are shown herein with underlined and italicized font and deletions to the City's Accounting Manual are shown herein with a strikethrough.

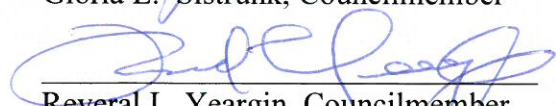
**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**COUNCIL OF THE CITY OF SEAT PLEASANT**

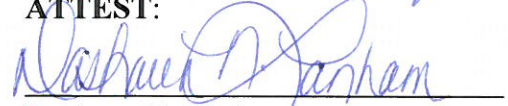
\_\_\_\_\_  
Charl Jones, Councilmember

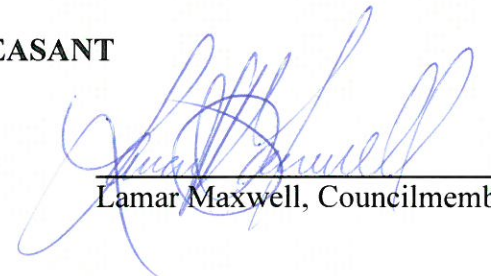
  
Shireka McCarthy, Councilmember

  
Gloria L. Sistrunk, Councilmember

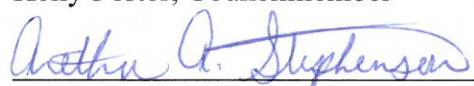
  
Reveral L. Yeargin, Councilmember

**ATTEST:**

  
Dashaun N. Lanham, CMC  
City Clerk

  
Lamar Maxwell, Councilmember

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Kelly Porter, Councilmember

  
Aretha A. Stephenson, Councilmember